

# Gainesville Daily Sun.

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GAINESVILLE, FLORIDA, FRIDAY, SEPTEMBER 3, 1909

TEN CENTS A WEEK

## MITCHELL IS TO SERVE ONE YEAR IN CHAIN GANG

**Gov. Brown Refuses to Reduce Sentence of Convicted  
Thomasville Man---One Law for All.**

ATLANTA, Sept. 2.—Gov. Brown decided yesterday to let the sentence originally passed by the court in the case of William H. Mitchell of Thomasville, twelve months on the chain gang, stand.

Governor Brown disapproved the communication or change in sentence recommended by the Prison Commission, which would have sent Mitchell to the State prison farm for twelve months instead of to the chain gang in his home county, holding that the original sentence of the court is a correct one, and should not be interfered with.

The Governor expresses confidence that the authorities charged with the custody of the prisoner for twelve months will meet all the obligations in connection with his case that may be demanded by humanity.

### Tells Sheriff to Act.

Before making public announcement of his decision Governor Brown got into communication with the sheriff of Thomas county and notified him that he had better take Mitchell into custody, as the decision was adverse.

Mitchell is under respite which was so worded that it extended until Sept. 4, or such time prior to or thereafter that the circumstances might warrant.

This is, apparently, the end of the Mitchell case, and Mitchell must serve his twelve months' term on the chain gang imposed by the court following his conviction of assault and battery upon Miss Lucile Linton of Thomasville.

### Upholds Original Sentence.

In his finding Governor Brown briefly reviews the history of the case in the courts, and quotes from the decision of the Court of Appeals in which it is pointed out that the verdict is "tempered by the quality of mercy." He calls attention to the fact that the trial judge declined to recommend any change in the sentence and that the friends of Mitchell stated that in any event they did not want him sent to the State prison farm. Governor Brown then says:

"I would that the ordeal of deciding this case were not upon me. My heart bleeds for the gentle and refined family of this one whom the jury of his peers has declared guilty of the mad act which has plunged them into the slough of sorrow.

But it was not intended that the constitution should be upheld, or the laws administered, on sympathy and pity, else the vilest criminal could secure a guarantee of immunity, and it was not intended that penalties, fixed upon a fair trial, should be set aside in relation to the Supreme

## Man Tied To Tree, Gagged and Tortured by Insects

MIAMI, Fla., Sept. 2.—A lumberman arriving here from the Nagua section, 10 miles north of Gulfport, reports that three highwaymen held up an employee of the Ingram Lumber Company near Nagua two days ago and after robbing him of \$100 his entire monthly wages, tied him securely to a tree in the woods. In order to silence him while they were making good their escape they stuffed his mouth full of paper and rags and then ran off.

The man remained in this position

Court of the United States (Smith vs. Ames) has said: 'This is a government of law, not of man.' And in the assurance to the law-abiding and in the warning to the lawless that the laws will be certainly executed we have the warrant of peaceful intercourse and of protection to person and property.

### One Law for All.

"Should the clemency asked for in the present case be extended, there is grave danger that it would bear fruits of sorrow in every section of our State. It would set an example pernicious beyond compare, an example embodying a daily menace to Georgia's womanhood. It would say that we have one law for the rich, another for the poor; one law for the highly educated, another for those too poor to enjoy the privileges and immunities consequent upon education; one law for the classes, another for the masses.

"Furthermore, while the pardoning power conferred upon the executive is practically unlimited, yet it must be held in mind that it was the manifest intent of those framing the constitution that it should be exercised in such manner as would not impair the confidence of the people in the purity of the foundation of justice, the courts, or weaken the foundation upon which society is built.

"For the foregoing reasons I am forced to the conviction that the sentence originally passed by the trial judge in Thomasville should stand, it being readily understood that the authorities charged with the custody of the appellant for the period of twelve months will protect all the obligations demanded by humanity.

JOSEPH M. BROWN,  
Governor.

### Fight in West Gainesville.

Marshal Owens was called by phone to East Gainesville yesterday, but after riding at a rapid rate to the first named place it was discovered that it was west where he was wanted. He found Jerry Carter and a negro woman by the name of Mary Jones engaged in a row and war of words and placed them under arrest to come before Mayor Davis this morning.

### Garage About Completed.

The large addition to the garage of C. A. Colclough has about been completed and will meet the requirements of the place for some time to come. Large doors are now being placed in the building and when this work is completed it will be all finished. The place has been more than doubled in storage capacity.

## DELAND MAN KILLED HIS LITTLE DAUGHTER

CHILD WAS ASLEEP WHEN THE  
RIFLE WAS DISCHARGED.

Bullet Entered Her Hip Severing an  
Artery, Causing Almost In-  
stant Death.

DELAND, Sept. 2.—The relatives and many friends of Mr. and Mrs. Albert Marsh were shocked to hear he had accidentally fatally shot his four-year-old daughter, Eva, Wednesday morning. Mr. Marsh is a prominent stock man in this vicinity, living on Lake Ashby, and has several relatives in this city. He arose about daylight to go out and move a flock of sheep, which was standing in the corner, was dirty. He took it out on the porch to wipe it off, while his wife was preparing his breakfast. He did not notice that the rifle was cocked, and in some way it was discharged, the bullet going through a window of the bedroom and striking the little girl in the hip. She was asleep in bed, and died in about half an hour. The sudden death was caused by the bullet severing a large artery, which could not be stopped before help arrived.

The rifle was 32-caliber, and if the artery had not been severed the wound would not have been very serious.

A messenger was sent to Deland and Dr. Davis hurried out to Lake Ashby, but arrived too late.

### MANNING—TOMLINSON.

Pleasant Home Wedding at Home of  
Bride's Parents.

The home of Mrs. Jonathan Manning was the scene of a most delightful wedding yesterday afternoon at 4 o'clock. Mr. George H. Tomlinson and Miss Rena Manning, daughter of Mrs. J. Manning, were united in marriage in the presence of a large gathering of relatives and friends by Elder J. T. Johnson, pastor of the Advent Christian church. Promptly at 4 o'clock the strains of a beautiful wedding march, played by a brother-in-law of the bride in a masterly manner, filled the room. Soon the couple appeared, stepping promptly upon the rug placed for that purpose. They were met by the preacher coming from the opposite side of the room.

After the congratulations the wedding party left for the home of Jesse Manning, where a pleasant time was spent in eating the goodies served on that occasion. Mr. and Mrs. Tomlinson have many friends who wish them a long and happy life. They will make Gainesville their future home, which is pleasing to their friends and relatives.

### NO ONE TO BLAME.

Verdict of Coroner's Jury as to Key  
West Disaster.

KEY WEST, Sept. 2.—The coroner's jury which investigated the dynamite explosion of last week at Boca Chica on the Florida East Coast railroad, which resulted in the death of twelve men and the wounding of ten others, yesterday returned a verdict, holding that after a full and complete investigation, no evidence had been adduced which would warrant the jury in attributing the explosion to any "criminal or culpable negligence as defined by our statutes."

Foreman Hitt, who was in charge of the workmen, testified that he allowed the men to smoke, having received no orders against it and not thinking it was dangerous notwithstanding the men were working within a few feet of a thousand pound of dynamite.

The jury decided that a match was thrown into a box of dynamite by someone of the workmen.

## THE POSTAL DEFICIT RECORD IS SMASHED

**It Will Exceed Twenty Million Dollars---Hitchcock  
Tells How He Will Reduce Expenses.**

BEVERLY, Mass., Sept. 2.—Postmaster-General Hitchcock had an important conference with President Taft yesterday afternoon regarding the plans he has formulated for cutting down expenses in the postal establishment. He told the President that, according to the latest estimates, the Postoffice Department will show a deficit for the fiscal year ending June 30, last, of more than \$20,000,000. This is the largest deficit the postal service ever has known.

The deficit for the fiscal year ending June 30, 1908, was about \$16,000,000. The increase, as nearly as can be ascertained, was due in part to extensions of the service; to the business depressions during the first part of the fiscal year and to the cumbersome and expensive methods of handling the mail, and in other departments of postal work.

The Postmaster-General has now at work in Washington a commission of fifty-odd experts examining the registry department, which has been showing a growing deficit year after year.

### As to Franking Privileges.

When the registry commission has finished its labors, Mr. Hitchcock will summon another commission of money order experts to make a similar examination of the money order division. This division has also been showing a growing deficiency, whereas the Postmaster-General thinks it should be soon placed on a self-sustaining basis.

After the money order division has received an overhauling work probably will be begun on the rural free delivery system.

The subject of the "franking" privileges or the sending of matter through the mails free by Government officials and members of Congress also will come in for a share of consideration in the effort to maintain the efficiency for the service and at the same

time to save money wherever a saving can be effected.

### Hammond's Cook for Taft.

Mr. Hitchcock also had a final talk with the President regarding some of the disputed census supervision in the South. Mr. Hitchcock knows the Southern political situation like a book and he has been freely consulted in the selection of men there. Director Durand of the census is due in Beverly soon to bring the commissions of the supervisors which remain to be signed by the President. Despite the protests of Col. Cecil Lyon, Republican national committeeman, it has been decided that the Texas supervisors shall half of them be Democrats and half Republicans. The Postmaster-General will join President Taft at Los Angeles, Oct. 11 and remain with him until after the meeting with President Diaz at El Paso, Tex., Oct. 16.

That the President is to be well cared for so far as the inner man is concerned on his long Western and Southern trip, was assured yesterday, when it was learned that John Hays Hammond has assigned his own cook to preside over the culinary department of Mr. Taft's private car.

Philadelphia Record: "Railroad men long ago learned that whiskey and infidelity do not mix. There is fire enough in even a little firewater to explode a powder mill, so alcohol is tabooed there, as it is every other place where caution, cool-headedness and quick nerve are constantly needed. But, for some reason, a joy-riding motorist thinks he can get drunk and thread the labyrinth like greased lightning. As a consequence, his name often appears in print, but generally he is too dead to know it."

Secure a tenant for that vacant room through a classified ad. in The Sun

## Florida Press Comment Upon Current Topics

After covering 10,000 miles of this great country, seeing and studying the wonders of the Great West, jotting down facts and developing ideas that will be of incalculable benefit to his paper and his town, Editor Birfinger, of The Ocala Star, has returned home and resumed his accustomed place at the editorial desk. Mr. Birfinger has written some very interesting letters to his paper from the various points on his extensive tour, and The Tribune hopes that he has the mental notes for many more before he finally completes the series. The message to his readers is: "With all the appalling wonder and splendor seen in our travels, we are home with a sense of relief and an abiding faith in Florida and its future, a place that seems more like home than all the rest of the world."—Tampa Tribune.

The Tribune really hopes that the rumor printed by The Punta Gorda Herald that Broward will make the race for Congress against Frank Clark, will prove true. Why? Because we would witness in such a campaign a series of hair-raising scenes such as no State has experienced in years. But there is little chance for such a battle—Broward has had some experience on the stage.

with Frank Clark, notably in Tampa when the drainage amendment was being submitted to the people, and the former Governor is not of the class of fools who know not when they have a plenty.—Tampa Tribune.

The New Smyrna Breeze says that "Claude L'Engle's candidacy is looked upon as a joke in that part of the State." It is a joke; Claude's a joke, but even "a joke can sometimes be carried too far."—Palatka News. Not likely, if an ex cart is to be substituted for the automobile as announced by several of the State papers.—Pensacola Journal.

There are men in Bradentown who are poor financially, but rich in patriotism for the town. Such a man is worth a half dozen of the large property owning class who refuse to help public enterprises, unless they can see a dollar in it for themselves.—Bradentown Journal. And this is where Brother Joseph Humphries says a mighty wise thing. No purely selfish man can be anything but a hindrance to his city's progress, because he will sacrifice its best interests every time in order to put more dollars in his own treasury.—Pensacola Journal.